

H.R. 1684, THE DEPARTMENT OF HOMELAND SECURITY AUTHORIZATION ACT FOR FISCAL YEAR 2008

SECTION-BY-SECTION (AS OF 03-27-07)

Title I: Authorization of Appropriations

Sec. 101. Department of Homeland Security.

Authorizes \$39,863,000,000 in appropriations for the Department of Homeland Security for Fiscal Year 2008.

Title II: Policy and Management Improvements

Sec. 201. Establishment of Directorate for Policy.

(a) **ESTABLISHMENT.** Establishes a Directorate for Policy and within the Directorate of Policy, there shall be:

- (1) The Office of the Private Sector, which shall be administered by an Assistant Secretary for the Private Sector;
- (2) The Victim Assistance Officer;
- (3) The Tribal Security Officer; and
- (4) Such other offices as considered necessary by the Under Secretary for Policy.

(b) **UNDER SECRETARY FOR POLICY.** The Directorate is to be administered by an Under Secretary for Policy that is Senate-approved, has the education and experience, demonstrated knowledge, ability, and skill in the fields of policy and strategic planning necessary to direct and supervise policy development for the programs, offices, and activities of the Department.

Sec. 202. Direct Line Authority for Chief Operating Officers.

(a) **IN GENERAL.** and (b) **DELEGATION.** Confers authority to the Department's Chief Operating Officers¹ over their counterparts in the Department's components to direct planning, operations and training, as well as activities of personnel, and the budget and other financial resources of the Department ensure compliance with Department-wide policies and plans.

¹ The Chief Financial Officer, the Chief Procurement Officer, the Chief Information Officer, the Chief Human Capital Officer, the Chief Administrative Officer, and the Chief Security Officer.

(c) **COORDINATION WITH HEADS OF COMPONENT AGENCIES.** Chief Operators that execute this authority must coordinate with heads of the component agencies.

Sec. 203. Comprehensive Homeland Security Review.

Directs the Secretary to undertake a Comprehensive Homeland Security Review (CHSR) process every four years, just as is done in the Department of Defense. The purpose of the review is to ensure that personnel, assets, organizational structure, budget plans, and procurement process is aligned with the Department's mission and the National Strategy for Homeland Security. The CHSR should be submitted, together with the President's budget in the years that the review is due.

Sec. 204. Qualifications for the Under Secretary for Management.

(a) **QUALIFICATIONS.** Requires the individual named for the Senate-confirmed position of Under Secretary for Management have the following qualifications: extensive executive level leadership and management experience in the public or private sector, strong leadership skills, a demonstrated ability to manage large and complex organizations, and a proven record of achieving positive operational results.

(b) **DEADLINE FOR APPOINTMENT; INCUMBENT.** The Secretary can choose to retain the incumbent Under Secretary for Management without resubmitting his name to the Senate for confirmation, so long as he issues a statement that informs Congress that the individual meets the qualifications.

Title III: Oversight Improvements

Sec. 301. Secure Border Initiative Financial Accountability.

(a) **IN GENERAL.** Requires the Inspector General (IG) to monitor each Secure Border Initiative contract valued at greater than \$20 million to ensure compliance with cost requirements, performance objectives, small business participation goals and other objectives. The IG is required to complete a review on the progress of contracts and compliance issues not later than 60 days after the contract action and at the conclusion of the performance of the contract.

(b) **REPORT BY INSPECTOR GENERAL.** Upon completion of each review, the IG shall submit a report to the Secretary on the IG's findings.

(c) **REPORT BY SECRETARY.** Within 30 days of receipt of each IG report, the Secretary, is to submit a report to the House Committee on Homeland Security and Senate Committee on Homeland Security and Government Affairs that outlines steps that Secretary has taken or plans to take to address the IG's findings.

(d) **AUTHORIZATION OF APPROPRIATIONS.** The provision authorizes additional appropriations for the IG to conduct this additional oversight.

(e) **ACTION BY INSPECTOR GENERAL.** If, in the course of this oversight, the IG becomes aware of improper conduct or wrongdoing, the IG is required to report the matter to the Secretary, as expeditiously as possible.

Sec. 302. Authorization Liaison Officer.

Creates the position of Authorization Liaison Officer within the office of the Chief Financial Officer to ensure responsiveness to the authorizing committees and work with the Appropriations Liaison Officer to coordinate the sharing of all reports prepared for the congressional appropriations committees.

Sec. 303. Office of Inspector General.

Authorizes \$108.5 million in appropriations to the Office of Inspector General, a \$9 million increase over the president's request, to provide additional resources to restore capacity for oversight of the Department in light of the diversion of resources to create the IG's standing disaster preparedness, response and recovery oversight shop.

Sec. 304. Congressional Notification Requirement.

Requires the Secretary to actively consult with the congressional homeland security committees and keep the committees fully informed of the Department's activities.

Sec. 305. Sense of Congress Regarding Oversight of Homeland Security.

Expresses the sense of Congress that the House of Representatives and the Senate should implement the recommendation of the 9/11 Commission to designate a committee in each body to serve as the single, principal point of oversight and review for homeland security and to authorize the activities of the Department.

Title IV: Procurement Policy and Resources Improvements

Sec. 401. Homeland Security Procurement Training.

Requires the Chief Procurement Officer to (1) create courses, including the curriculum, to train acquisitions employees about homeland security procurement; (2) develop a system of maintaining records on student enrollment; and (3) submit a report on procurement training records including enrollment, graduates, and certification. Creates a new DHS council, the Council on Procurement Training, composed of the chief procurement officers of USCG, TSA, Office of Procurement, ICE, CBP, FEMA, FLETC, and the Secret Service, to consult with the CPO in developing the program and identify

acquisitions employees who should receive such training. Eligible employees are individuals who for at least 50% of their time are involved in acquisitions, procurement-related program management or oversight.

Sec. 402. Authority to Appoint and Maintain A Cadre of Federal Annuitants For Procurement Offices.

Grants authority to the Secretary to hire up to 250 annuitants with experience in procurement and contract management to support the Department's acquisitions capabilities and enhance contract management throughout the Department. The provision includes a limitation that bars hiring an annuitant if it means that an employee would be displaced.

Sec. 403. Additional Requirement To Review Past Performance of Contractors.

Before deciding whether to award a contract, the Secretary must consider past performance of a contractor. The contractor, as a part of the contract bid, must submit information regarding the contractors past performance of Federal, State, local and private sector contracts.

Sec. 404. Requirement To Disclose Foreign Ownership or Control of Contractors And Subcontractors.

(a) **COMPLIANCE WITH BUY AMERICAN ACT.** Requires the Chief Procurement Officer to conduct an independent review of each procurement for compliance with the Buy American Act.

(b) **FOREIGN OWNERSHIP OR CONTROL OF CONTRACTORS AND SUBCONTRACTORS.** Companies that are applying for a contract must disclose whether the company or any of their subcontractors are owned or controlled by a foreign person. The disclosure must be updates at any time, including during performance of the contract, when there is a change in ownership or subcontractors. Foreign ownership occurs when 50 percent or more of the voting stock or other ownership interest is controlled by a foreign national, corporation or government.

Sec. 405. Integrity in Contracting.

Amends the Homeland Security Act by adding certain requirements to the contracting process, including requiring attestation by contractors bidding for government contracts that affirmatively discloses any substantial role the bidder, employees of the bidder, or any corporate parent or subsidiary of the bidder may have played in certain activities bringing about the bid; additional requirements for bidders who disclose such roles; and certification of whether the bidder is in default on any payment to the Federal government or owes any delinquent taxes.

Sec. 406. Small Business Utilization Report.

(a) **REPORT.** Not later than 360 days after enactment, the Chief Procurement officer is required to submit a report to the Secretary, the Committee on Homeland Security and the Senate Homeland Security and Government Affairs Committee, which identifies each program in the Department where government-wide goals for small business participation are not met.

(b) **ACTION PLAN.** No later than 90 days after submission of the report, the Chief Procurement Officer shall submit to Congress an action plan, including performance measures and timetables for each program to meet the government-wide goals of 3% for HUBZone and veteran-owned businesses and 5% for women-owned and economically-disadvantaged businesses.

(c) **PRIORITY CONSIDERATION.** Directs the Chief Procurement Officer to give priority to small business concerns for all open market procurements exceeding the simplified acquisition threshold prior to initiating full and open, or unrestricted, competition; sets the order of priority.

Sec. 407. Requirement that Uniforms, Protective Gear, Badges, and Identification Cards of Homeland Security Personnel Be Manufactured in the United States.

Funds appropriated to the Department of Homeland Security may not be used for procurement of uniforms, protective gear, badges, or identification cards for Department personnel if those items are not manufactured in the United States. The requirement does not apply if the Secretary determines that such items cannot be procured at a satisfactory level of quality or sufficient quantity, but in that case the Secretary must notify the Committee on Homeland Security in the House and the Committee on Homeland Security and Governmental Affairs in the Senate within 7 days of making that determination, certify that the items which are not made in the United States do not pose a risk to national security, and explain how the foreign provider of the items is ensuring that materials, patterns, logos, designs used in or for those items are not misappropriated. This section does not affect any waiver under § 301 of the Trade Agreements Act of 1979. Finally, to ensure that this provision does not adversely impact domestic textile manufacturers, the Secretary is directed to take all available steps to ensure that producers of the listed items use domestic textiles.

Sec. 408. Department of Homeland Security Mentor-Protégé Program.

This section authorizes the Department's Mentor-Protégé program within the Department's Office of Small and Disadvantaged Business Utilization. The program, which is already established, motivates and encourages large business prime contractor firms to provide developmental assistance to small and disadvantaged businesses. The section also directs the Secretary to publicize and ensure that Department contractors and offerors are fully aware of and are participating in the program, including the fact that

their efforts to seek and develop a formal Mentor-Protégé relationship will be an evaluation factor of any bid or offer for a Department contract. Finally, it directs the Inspector General to conduct a review of the program, including an assessment of the program's effectiveness and identification of any barriers that restrict contractors from participating in the program.

Title V: Workforce And Training Improvements

Sec. 501. Customs and Border Protection Officer Pay Equity.

Grants law enforcement status for retirement purposes to Customs and Border Protection Officers (CBPO) to individuals that work in this capacity on the date of enactment and retire or leave within 5 years of enactment. If a CBPO chooses to make contributions to their retirement accounts to make up the difference of what should have been contributed in the past, had they been conferred law enforcement status previously, DHS must pay in the amount it would have, should that status have been conferred previously.

Sec. 502. Plan To Improve Representation of Minorities In Various Categories of Employment.

(a) **PLAN FOR IMPROVING REPRESENTATION OF MINORITIES.** Requires the Chief Human Capital Officer to submit a plan to address the under-representation of minorities in various categories of employment within 90 days of enactment.

(b) **ASSESSMENTS.** A year from the issuance of the plan, GAO is required to release an assessment of the plan, including the likelihood it will result in the Department achieving this goal.

(c) **DEFINITIONS.** Defines “underrepresentation” “minority groups” “minorities” and “category of civil service employment.”

Sec. 503. Continuation of Authority for Federal Law Enforcement Training Center To Appoint And Maintain A Cadre of Federal Annuitants.

Extends authority for the Federal Law Enforcement Training Center (FLETC) to hire and maintain federal annuitants as trainers until December 31, 2008.

Sec. 504. Authority to Appoint and Maintain A Cadre Of Federal Annuitants For Customs And Border Protection.

Grants authority to the Secretary to hire up to 500 annuitants with experience in border security to accelerate the ability of CBP to secure our borders. The provision includes a limitation that bars hiring an annuitant if it means that an employee would be displaced.

Sec. 505. Strengthening Border Patrol Recruitment and Retention.

Requires the Secretary to establish a plan to address the recruitment and retention challenges of hiring border patrol agents by, among other things, utilizes pay, recruitment, relocation and retention bonuses to attract and maintain the border security workforce.

Sec. 506. Limitation on Reimbursement Relating To Certain Detailees.

Restricts payment by the Department of Homeland Security to specialized detailees (IPAs) to no more than the highest salary available under the Senior Executive Service.

Sec. 507. Integrity in Post-Employment.

Closes a loophole in the law so that no agency, bureau within the Department is deemed as a separate entity with respect to lobbying laws. It bars former DHS employees from lobbying DHS components other than the one that employed them.

Sec. 508. Increased Security Screening of Homeland Security Officials.

(a) **REVIEW REQUIRED.** Requires the Secretary to, within 90 days, conduct a department-wide review of the security clearance and suitability review process for employees, contractors, State, local and private sector officials.

(b) **STRENGTHENING OF SECURITY SCREENING POLICIES.** Based on the review's findings, the Secretary must take all necessary steps to strengthen DHS' security policies. In developing steps, the Secretary shall assess three elements: (1) whether all components meet or exceed Federal or Department security clearance standards; (2) whether the Department has a cadre of well-trained security clearance adjudicators; (3) whether suitability reviews are undertaken when individuals are transferred from components to the Department's headquarters.

Sec. 509. Authorities of Chief Security Officer.

Establishes the Chief Security Officer in statute and sets forth four areas of responsibility: (1) personal security, facility access, security awareness and related training; (2) ensure components complies with Federal security clearance standards; (3) ensure, to the greatest extent practicable, that State, local and private sector individuals who need to access classified material from the Department are able to receive clearances in a timely fashion; and (4) perform all other functions as determined by the Secretary.

Sec. 510. Departmental Culture Improvement.

Requires the Secretary to consider implementing recommendations of the Homeland Security Advisor Council Culture Task Force Report of January 2007, and to choose an

appropriate term to replace “human capital” in the Department’s operations, policies, and programs.

Sec. 511. Homeland Security Education Program Enhancements.

Amends § 845(b) to require the Administrator to use curricula modeled on existing Department-reviewed Master’s Degree curricula in homeland security, in conjunction with numerous other media and facilities (including the National Domestic Preparedness Consortium, the National Fire Academy, and the Emergency Management Institute) and to allow the administrator to develop additional educational programs as appropriate.

Title VI: Biopreparedness Improvements

Sec. 601. Chief Medical Officer and Office of Health Affairs.

(a) **IN GENERAL.** Authorizes the Chief Medical Officer (CMO), appointed by the President with the advice and consent of the Senate. The CMO will also have the rank and title of Assistant Secretary for Health Affairs, which will help when coordinating with counterparts in other Federal agencies.

(b) **OFFICE OF HEALTH AFFAIRS.** Authorizes the creation of the Office of Health Affairs, headed by the Chief Medical Officer.

(c) **QUALIFICATIONS.** Requires that the CMO possesses a demonstrated ability in and knowledge of medicine and public health.

(d) **RESPONSIBILITIES.** Defines the responsibilities of the Chief Medical Officer in discharging the duties of the Office of Health Affairs which are to:

- (1) Serve as the advisor to the Secretary and the Department’s lead authority on matters relating to medical care, public health, food, water, veterinary, and agro-defense;
- (2) Provide oversight for the Department’s medical personnel;
- (3) Administer the Department’s responsibilities for medical preparedness;
- (4) Serve as the primary point of contact with other Federal agencies on matters relating to medical care, public health, food, water, veterinary, and agro-defense;
- (5) Serve as the Department’s primary point of contact with State and local governments, the medical community, and the private sector, on medical readiness and response;
- (6) Manage the National Biosurveillance Integration System, BioWatch, and the Department’s responsibilities for BioShield;
- (7) Assure science-based policy, standards, requirements and metrics for occupational health and safety of the Department’s workforce;

- (8) Support the Department's components regarding protective medicine and tactical medical support;
- (9) Develop, in coordination with appropriate Department entities, end-to-end plans for medical prevention, preparedness, protection, response, and recovery from catastrophic events;
- (10) integrating into such end-to-end plans Department of Health and Human Services' efforts to identify and deploy medical assets used in preparation for or response to national disasters and catastrophes, and to enable access by medical personnel patient electronic medical records to aid treatment of displaced persons to ensure that actions of both Departments are combined for maximum effectiveness during an emergency consistent with the National Response Plan and other emergency support functions;
- (11) Perform such other duties as the Secretary may require; and
- (12) Direct and maintain a coordinated system for medical support of the Department's operations.

Sec. 602. Improving the Material Threats Process.

(a)(3)(A)(ii) **USE OF EXISTING RISK ASSESSMENTS.** Requires the utilization of existing risk assessments if deemed credible by the Secretary of DHS to accelerate completion of Material Threat Assessments (MTAs) and Material Threat Determinations (MTDs) for agents capable of significantly affecting national security. Risk assessments consider threat, vulnerability, and consequences and as such, the threat information contained in the risk assessments will help facilitate MTDs and inform the more detailed MTA process and help in prioritizing agents for the MTA process.

(a)(3)(A)(iii) **ORDER OF ASSESSMENTS.** Directs the grouping of agents in completing MTAs and MTDs to the extent practicable and appropriate. Risk assessments indicate which agents are high risk, which are low risk, and which fall somewhere in between. For those that fall in between, there may be such uncertainty that it is impossible to determine which agents should take a higher priority for countermeasure acquisition. In these cases, the best course of action is for DHS to consider conducting MTAs and MTDs on those agents as groups. Grouping could occur via two mechanisms: agent-based or symptom-based. Grouping of agents with related properties, such as those belonging to the same family of viruses, is an example of agent-based grouping (e.g., Ebola and Marburg could be grouped because they belong to the Viral Hemorrhagic Fever family). Agents that are grouped according to common adverse health consequences is an example of symptom-based grouping (e.g., Ebola, anthrax, and hemorrhagic smallpox could be grouped based on hemorrhage being a common condition resulting from exposure to any of the three). Completing MTAs and MTDs using such grouping mechanisms better enables HHS to use a strategic procurement process in acquiring the most efficient countermeasures. Agent-based grouping by DHS enables HHS to consider countermeasures that target more than one agent, while symptom-based grouping allows HHS to consider countermeasures that would treat an adverse health consequence that may be common to exposure to different agents. Those countermeasures that address

more than one threat agent are commonly referred to as “broad spectrum medical countermeasures.” Beyond the undisputed high risk agents, this sort of grouping will effectuate a more efficient use of the BioShield resources and leverage any existing broad spectrum medical countermeasures available or those in development.

(a)(3)(A)(iv) **DEADLINE FOR COMPLETION OF CERTAIN MATERIAL THREAT DETERMINATIONS.** Requires that MTDs for CBRN agents known to the Secretary of DHS before the date of enactment of this Act and which the Secretary considers to be capable of significantly affecting national security be completed by December 31, 2007.

(a)(3)(A)(v) **REPORT TO CONGRESS.** Requires the Secretary to submit the results of all material CBRN threat or risk assessments to Congress within 30 days of the completion of each one.

(b) **AUTHORIZATION OF APPROPRIATIONS.** Reauthorizes funds for DHS to conduct MTAs through 2009. The original authorization expired in 2006. It also authorizes the use of additional funds specifically for the purpose of accelerating the MTA and MTD processes in order that DHS might meet the December 31, 2007 deadline. This funding may be used for conducting risk assessments where no credible ones exist.

Sec. 603. Study on National Biodefense Training.

(a) **STUDY REQUIRED.** Requires the Secretary to conduct a study to determine the staffing and training requirements for construction or expansion/upgrading of biodefense laboratories at Biosafety Level (BSL) 3 and 4. The study should be conducted in consultation with the Secretary of Defense and the Secretary for Health and Human Services.

(b) **ELEMENTS.** The study shall address the following:

- (1) The number of trained personnel, by discipline and qualification level, required for existing biodefense laboratories at BSL 3 and BSL 4;
- (2) The number of research and support staff, including researchers, laboratory technicians, animal handlers, facility managers, facility or equipment maintainers, and safety and security personnel;
- (3) The necessary training for the personnel to staff BSL 3 and BSL 4 labs; and
- (4) Training schedules necessary to meet the scheduled openings of these biodefense laboratories.

(c) **REPORT.** The report is due to Congress by December 31, 2007.

Sec. 604. National Biosurveillance Integration Center.

(a) **ESTABLISHMENT.** Establishes the National Biosurveillance Integration Center to enhance the Federal government’s ability to rapidly identify and track a biological event. It also creates a Director of NBIC.

(b) **INTEGRATED BIOSURVEILLANCE NETWORK.** Requires the Director to, as part of NBIC, develop, maintain and operate an information technology system that integrates data from relevant surveillance systems and identifies and characterize biological events in as near real-time as possible.

(c)(1) **RESPONSIBILITIES.** The Director's responsibilities shall include enhancing NBIC performance by adding new data feeds, improving statistical and analytical tools, establishing a procedure for reporting suspicious events, considering all relevant homeland security information, and providing technical assistance to State and local governments and private entities.

(c)(2) **ASSESSMENTS.** Requires the Director to assess data from biosurveillance systems and integrate it with intelligence information in order to provide overall biological situational awareness and enable identification of a biological event.

(c)(3) **INFORMATION SHARING.** Requires the Director to establish information sharing mechanisms for real-time communication with the National Operations Center. It also requires the Director to provide integrated information to the heads of other agencies, notify the Secretary and relevant officials of any significant biological event, report on NBIC assessments to partner entities, and distribute NBIC incident or situational awareness reports via information sharing networks.

(d) **INTERAGENCY AGREEMENTS.** Requires the Secretary to actively seek out interagency agreements that are necessary for the success of this program. It delineates the responsibilities of the Department's interagency partners when they enter into such agreements. Partnering agencies will use best efforts to integrate biosurveillance information through NBIC, provide timely information to NBIC, provide connectivity of data systems to NBIC, detail personnel to NBIC, retain responsibility for their own surveillance systems, and participate in shaping operating practices of NBIC.

(e) **NOTIFICATION OF DIRECTOR.** Ensures the Director is informed of any homeland security information relating to biological threats that comes through other channels to the Secretary's attention.

(f) **ADMINISTRATIVE AUTHORITIES.** Designates NBIC as a Public Health Authority and ensures NBIC is compliant with applicable HIPAA (Health Insurance Portability and Accountability Act) requirements and other applicable privacy regulations. NBIC is authorized to collect or receive health information in order to complete its mission of preventing or controlling disease, injury, or disability.

(g) **NBIC INTERAGENCY WORKING GROUP.** Requires the Director to establish an interagency working group to advise the biosurveillance capabilities of NBIC. The Director is directed to invite officials of other government agencies, including interagency partners, to participate in the working group.

(h) **ANNUAL REPORT REQUIRED.** Requires a report to Congress be submitted by December 31st of each year which provides a list of the participants in NBIC, a timeframe for when they expect to have access to new, desirable data, a list of those accessing NBIC information, and a plan for implementing development efforts or major changes to NBIC.

(i) **RELATIONSHIP TO OTHER DEPARTMENTS AND AGENCIES.** Ensures that NBIC activities do not interfere with any authorities and responsibilities of any other Federal agency in carrying out biosurveillance activities administered by that agency.

(j) **AUTHORIZATION OF APPROPRIATIONS.** Authorizes funds to be appropriated to carry out NBIC's mission.

This section also declares that the NBIC should be fully operational by September 30, 2008 and defines the term "biological event."

Sec. 605. Risk Analysis Process and Integrated CBRN Risk Assessment.

This section tasks the Secretary with developing a scientific, quantifiable risk analysis process for chemical, biological, radiological, and nuclear (CBRN) agents, and to conduct such risk assessments. It also directs the Department to conduct cross-cutting risk assessments which will allow comparison not just among biological agents, for example, but across the entire CBRN spectrum of agents. These risk assessments will facilitate Material Threat Assessments required under project BioShield; guide countermeasure research, acquisition and deployment; identify vulnerability gaps; guide resource investment; and support development of the Department's end-to-end CBRN defense policy. The Secretary is required to complete the first integrated CBRN risk assessment by June 2008 and report the results to Congress.

Title VII: Homeland Security Cybersecurity Improvements

Sec. 701. Cybersecurity and Telecommunications.

(a) **IN GENERAL.** Establishes an Office of Cybersecurity and Telecommunications, headed by the Assistant Secretary for Cybersecurity and Telecommunications.

(b) **DUTY OF THE ASSISTANT SECRETARY.** Requires the Assistant Secretary to assist the Secretary in carrying out the Department's cybersecurity and telecommunications responsibilities.

(c) **RESPONSIBILITIES.** Requires the Assistant Secretary to conduct the following activities to execute his responsibilities:

(1) **PREPARATION AND SITUATIONAL AWARENESS.** Establish and maintain a capability in the Department to detect vulnerabilities to cyber attacks or large scale disruptions; conduct risk assessments; develop a plan for continuation of critical information operations in the event of the attack or a large scale disruption; and oversee an emergency communications system in the event of an attack or a large scale disruption.

(2) **RESPONSE AND RECONSTITUTION.** Define what constitutes a “cyber incident of national significance” and ensure that the Department’s priorities, procedures and resources are in place to reconstitute critical information in the event of a cyber attack or large scale disruption.

(3) **MITIGATION.** Develop a cybersecurity awareness training and education program for awareness throughout the Federal government and consult and coordinate with the Under Secretary for Science and Technology.

(d) Defines the term “critical information infrastructure.”

Sec. 702. Cybersecurity Research and Development.

Authorizes \$50 million for cybersecurity research and development activities of the Directorate for Science and Technology for fiscal year 2008.

Title VIII: Science and Technology Improvements

Sec. 801. Report to Congress on Strategic Plan.

Requires the Under Secretary for Science and Technology to submit a strategic plan for the directorate to Congress, not later than 120 days after enactment. The plan must cover a number of areas, including a strategy to enhance the directorate’s workforce, a policy for hiring and administering detailees, a Departmental policy to take technologies from research and development through the procurement process.

Sec. 802. Centers of Excellence Program.

Authorizes \$31 million for the Centers of Excellence Program and \$8 million for the Minority Serving Institutions program for fiscal year 2008. Requires that at least one of the next four Centers of Excellence established by the Department be located at a Minority Serving Institution.

Sec. 803. National Research Council Study of University Programs.

Requires the Under Secretary for Science and Technology to engage the National Academy of Sciences to conduct a study to assess the Department's University Programs, with an emphasis on the Centers of Excellence program.

Sec. 804. Streamlining of Safety Act and Antiterrorism Technology Procurement Processes.

(a) **PERSONNEL.** Requires the Secretary to ensure that a sufficient number of full-time equivalent personnel are involved in SAFETY Act reviews.

(b) **COORDINATION WITHIN DEPARTMENT OF HOMELAND SECURITY.** Requires the Secretary to establish a formal coordination process between the Department's staff involved in SAFETY Act with the Chief Procurement Officer, the Under Secretary for Science and Technology, the Under Secretary for Policy, and the Department's General Counsel. It also requires the Secretary to promote awareness of the SAFETY Act litigation and risk management provisions.

(c) **ISSUANCE OF DEPARTMENTAL DIRECTIVE.** Requires the Secretary to issue a Departmental management directive providing coordination between the Department's procurement officials and the Department official responsible for implementing the SAFETY Act.

Sec. 805. Promoting Antiterrorism Through International Cooperation Act.

Requires the Under Secretary for Science and Technology to establish the Science and Technology Homeland Security International Cooperative Programs Office. This office shall be responsible for developing, in consultation with the Department of State, understandings and agreements to allow international cooperative activities to support homeland security research, development and comparative testing. The Office's Director shall facilitate the matching of U.S. entities with non-U.S. entities.

Authorizes \$25 million for fiscal years 2008 through 2011 to administer the program and award grants to entities that enter into cooperative agreements under this program.

Title IX: Border Security Improvements

Sec. 901. US-VISIT.

Requires the Secretary to submit the comprehensive strategy required by § 7208 of the Intelligence Reform and Terrorism Prevention Act of 2004 for the biometric entry and exit data system (US-VISIT) no later than 7 days after the date of enactment, and sets out minimum contents for the strategy, along with a deadline for airport and seaport exit implementation (December 31, 2008).

Sec. 902. Shadow Wolves Program.²

Authorizes \$4.1 million for the Shadow Wolves for fiscal year 2008.

Sec. 903. Cost-Effective Training for Border Patrol Agents.

(a) **IN GENERAL.** Requires the Secretary to take steps necessary to control the costs of hiring, training and deploying new Border Patrol agents, including allowing the waiver of certain course requirements when the individual has earlier satisfied such requirements. Directs the Inspector General to conduct a review of the costs and feasibility of training new Border Patrol agents at Federal training centers and training facilities operated by State, local and private entities.

(b) **LIMITATION ON PER-AGENT COST OF TRAINING.** Requires the Secretary to take steps to ensure that the fiscal year 2008 per-agent cost does not exceed \$150,000. If the Secretary determines that the per-agent cost must exceed \$150,000, the Secretary is required to provide an explanation to the House Committee on Homeland Security and the Senate Homeland Security and Government Reform Committee. The Secretary is required to suspend any new hiring, training or deploying of new border patrol agents unless the Secretary receives approval from the congressional committees to exceed the \$150,000 per-agent cost limitation.

Sec. 904. Comprehensive Strategy for Full Implementation of US-VISIT.

This section reiterates the language in § 901, excluding the 7-day requirement..

Sec. 905. Assessment of Resources Necessary to Reduce Crossing Times at Land Ports of Entry.

Orders the Secretary to conduct an assessment and submit a report to Congress on the personnel, infrastructure, and technology required to reduce border crossing wait times for pedestrian, commercial, and non-commercial vehicular traffic at land ports of entry in the United States to wait times comparable to those existing prior to September 11, 2001 while ensuring that appropriate security checks are maintained, within 180 days of enactment.

² The Shadow Wolves were founded in 1972 under a program created by the U.S. Congress to track drug smugglers transporting contraband -- mostly marijuana -- on Indian reservation lands. The team is responsible for patrolling the Tohono O'odham lands in southern Arizona, and is Immigration and Customs Enforcement's only American Indian tracking unit.

Title X: Information Sharing Improvements

Sec. 1001. State and Local Fusion Center Program.

Establishes the State and Local Fusion Center program and provides such sums as are necessary to carry out the program's goals including deploying Department personnel and retired local law enforcement to participating centers and the maintenance of headquarters staff.

Sec. 1002. Fusion Center Privacy and Civil Liberties Training Program.

(a) **ESTABLISHMENT.** Requires the establishment of a program to provide privacy, civil liberties, and civil rights protection training to be administered by the Office of Civil Liberties and Civil Rights.

(b) **MANDATORY TRAINING.** Requires all Department employees, embedded at fusion centers, under the State and Local Fusion Center Program, to successfully complete the training program. Conditions the receipt of grant funds for the State and Local Fusion Center Program on the successful completion of the training by a representative from the center.

(c) **CONTENTS OF TRAINING.** The program shall include training on:

- (1) privacy, civil liberties policies, procedures and protocols to control access to information;
- (2) Privacy Act of 1974;
- (3) handling of personally identifiable information in a responsible and appropriate manner;
- (4) appropriate procedures for the destruction of information that is no longer needed;
- (5) consequences for failing to provide adequate privacy and civil liberties protections;
- (6) compliance with Federal regulations setting standards for multijurisdictional criminal intelligence systems, including 28 C.F.R. 23; and
- (7) the use of immutable auditing mechanisms designed to track access to information at a State or local fusion center.

(d) **CERTIFICATION OF TRAINING.** Directs the Secretary to issue a certificate to each person who completes training and successfully completes a written examination administered by the Office of Civil Liberties and Civil Rights.

(e) **AUTHORIZATION OF APPROPRIATIONS.** Authorizes \$3 million for each fiscal years 2008 through 2013 and such sums as may be necessary for each subsequent year.

Sec. 1003. Authority to Appoint and Maintain a Cadre of Federal Annuitants for the Fusion Center Program.

Allows the Secretary to appoint annuitants to positions in the fusion center program to facilitate information sharing between the Department and State, local, and tribal law enforcement, and to respond to terrorism. Specifies that an appointment made under this section shall not be subject to the provisions governing appointments in the competitive service, as well as §§ 8344 and 8468 of Title 5 of the U.S. Code, nor any other similar provision of law under a Government retirement system. This section also sets other limitations to appointment of annuitants.

Title XI: Miscellaneous Provisions

Sec. 1101. Eligible Uses for Interoperability Grants.

Directs the Secretary to ensure that all funds administered by the Department to support interoperable communications for State, local, and tribal agencies may be used to support the standards outlined in the SAFECOM continuum, including governance, standard of operating procedures, technology, training and exercises, and usage.

Sec. 1102. Rural Homeland Security Training Initiative.

Establishes a program within the Federal Law Enforcement Training Center to expand homeland security training to units of local and tribal governments located in rural areas.

Sec. 1103. Critical Infrastructure Study.

Directs the Secretary, working with the Center for Risk and Economic Analysis of Terrorism Events (CREATE), to evaluate the feasibility and practicality of creating further incentives for private sector stakeholders to share Protected Critical Infrastructure Information with the Department.

Sec. 1104. Terrorist Watch List and Immigration Status Review at High-Risk Critical Infrastructure.

Authorizes sums as necessary to require owners of Tier I or Tier II critical infrastructure sites, as selected for the Buffer Zone Protection Program, to conduct checks of their employees against available terrorist watch lists and immigration status databases.

Sec. 1105. Authorized Use of Surplus Military Vehicles.

Directs the Secretary to include U.S. military surplus vehicles that have demonstrated utility for responding to acts of terrorism, emergencies, and other disasters on the Authorized Equipment List to allow States and localities to purchase, modify, upgrade, and maintain such vehicles with homeland security assistance administered by the Department.

Sec. 1106. Computer Capabilities to Support Real-Time Incident Management.

Authorizes sums as necessary to encourage development and use of software- or Internet-based computer capabilities to support real-time incident management by Federal, State, local, and tribal agencies.

Sec. 1107. Expenditure Reports as a Condition of Homeland Security Grants.

Requires grant recipients to submit quarterly reports describing the nature and amount of each expenditure made by the recipient using grant funds within 30 days after the last day of each fiscal quarter. The Secretary must take appropriate steps to ensure that sensitive information is not disclosed.

Sec. 1108. Encouraging Use of Computerized Training Aids.

Directs the Under Secretary for Science and Technology to use and make available to State and local agencies computer simulations to help strengthen the ability of municipalities to prepare for and respond to a chemical, biological, or other terrorist attack, and to standardize response training.

Sec. 1109. Protection of Name, Initials, Insignia, and Departmental Seal.

Prohibits the knowing use of the Department's name, initials, insignia and seal for commercial purposes, in a manner that is reasonably calculated to convey the impression that the Department or any component endorsed such use, without written permission by the Secretary. Grants authority to the Attorney General to initiate civil proceedings in a Federal district court to enjoin such act or practice.

Sec. 1110. Report on United States Secret Service Approach To Sharing Unclassified, Law Enforcement Sensitive Information with Federal, State, and Local Partners.

(a) **REPORT BY DIRECTOR OF THE UNITED STATES SECRET SERVICE.** Requires the Director to submit a report to the House Committee on Homeland Security, Senate Homeland Security and Government Affairs, and the Inspector General, that describes the approach that the Secret Service utilizes to share unclassified, law enforcement sensitive information with Federal, State and local law enforcement. The report is due not later than 240 days after the dated of enactment of the Act.

(b) **REPORT BY INSPECTOR GENERAL.** Requires a review by the Inspector General of the Secret Service report that includes an assessment, with recommendations. As to whether the approach can be incorporated throughout the Department.

Sec. 1111. Report on United States Secret Service James J. Rowley Training Center.

Requires the Inspector General to report, within 240 days, to the appropriate congressional committees on the mission and training capabilities and assessments of the U.S. Secret Service's Rowley Training Center.

Sec. 1112. Metropolitan Medical Response System Program.

Authorizes the Metropolitan Medical Response System (MMRS) Program to support local jurisdictions in enhancing and maintaining all-hazards response capabilities to manage mass casualty incidents by systematically enhancing and integrating first responders, public health personnel, emergency management personnel, business representatives, and volunteers. Financial assistance for the program shall be administered by the Federal Emergency Management Agency (FEMA), and programmatic and policy guidance for the program shall be developed by the Assistant Secretary for Health Affairs in coordination with the FEMA Administrator. The program encourages mutual aid agreements and memoranda of understanding between local jurisdictions. This section also authorizes \$63 million for each of the fiscal years 2008 through 2011 and requires the Assistant Secretary to conduct a review of the MMRS Program, including a report to be submitted to Congress within 9 months of enactment.

Sec. 1113. Technical Corrections.